

## **AIRPORT PLANNING GOVERNMENT AGENCY ROLES**

### **Federal**

The **Federal Aviation Administration (FAA)** is responsible for the control of airspace and for certifying both pilots and the airworthiness of aircraft. Obstructions into navigable airspace are within the FAA's jurisdiction and are regulated by Federal Air Regulation, Part 77. Most airport regulations and policies relate to FAA regulations and guidelines. The FAA also approves Airport layout plans (site plan of airport property) and establishes federal noise standards and certifies airport with air carrier services.

The Department of Transportation (DOT) administers essential air service programs, determines economic fitness of airlines to operate and negotiates international air service agreements. (The California Aviation System Plan, Policy Element, January 1998)

*Noise* - The FAA Part 150 program encourages airports to prepare noise exposure maps that show land uses that are incompatible with high noise levels. The program proposes measures to reduce the incompatibility. With an FAA Part 150 program approved, airport projects such as land acquisition, acoustic treatment of residences, etc., become eligible for Federal AIP funds. (The California Aviation System Plan, Policy Element, January 1998)

### **State**

The **California Department of Transportation, Division of Aeronautics** is responsible for funding, licensing, and permitting programs for airports and heliports. Assistance for the development and maintenance of aviation facilities through engineering and aviation experience is provided, as well as systems planning and environmental and community service programs.

*Noise* - In 1972, California adopted noise standards in an effort to bring about cooperation of airport proprietors, air carriers, pilots, local government, the general public and Caltrans. The regulatory role of the state is to assure accuracy and standardization in noise monitoring systems and to balance the conflicting needs of the general public in the variance process. Noise variances are issued by the state to allow for the continued operation of an airport under certain conditions. Variance requirements however, may not conflict with federal law. (The California Aviation System Plan, Policy Element, January 1998)

### **County**

An **airport land use commission (ALUC)** is a county-level agency established by California law and is required to develop a plan for promoting and ensuring compatibility between each airport in a county and surrounding land uses.

**Cities and Local Government**

Local jurisdictions develop their general plans, community plans and airport master plans and develop and enforce zoning ordinance regulations for addressing airport issues, such as noise and safety.

Local jurisdictions are also obligated to bring local plans into consistency with the ALUC Airport Land Use Plan (ALUP) and submit land use actions to the ALUC for a determination of consistency under PUC Section 21676.

Local jurisdictions have the ability to overrule the ALUC's determination by a four-fifths vote of the governing body of the local jurisdiction.

## **ROLE OF THE AIRPORT LAND USE COMMISSION**

Airport Land Use Commissions (ALUC) have been established for all counties with public use airports within the state of California. ALUCs are formed with the specific purpose of implementing state law (Public Utilities Code) regarding airports and surrounding land use compatibility. Due to the complexity of issues associated with the operation of an airport and the numerous government agencies with jurisdiction over airport planning, the authority of an ALUC can become unclear. To clarify the ALUC's roles and responsibilities, excerpts for CALTRANS California Airport Land Use Planning Handbook, 2002 are provided below. The objectives of the state's airport land use planning laws was to protect the public health safety and welfare of the public by ensuring the orderly development of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public use airports.

### **ALUC Basic Duties (PUC Section 21674)**

#### **Powers and Duties**

In the broadest sense, the law defines the powers and duties of ALUCs in terms which parallel the commissions' purpose: "To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses".

To fulfill this basic obligation, ALUCs have two specific duties:

- **Prepare Airport Land Use Plans**—Each commission is required to "prepare and adopt" an airport land use plan for each of the airports within its jurisdiction (PUC Sections 21674(a) and 21675(c)).
- **Review Local Agency Land Use Actions and Airport Plans**—The commissions' second duty is to "review the plans, regulations, and other actions of local agencies and airport operators..." (PUC Section 21674(d)).

### **ALUC Limitations**

#### **Statutory and Practical Limitations on ALUCs**

Just as important as the specified powers and duties of ALUCs are the limitations on their authority. Some of these limitations are explicitly noted in the statutes. Other limitations are more implicit or, in some cases, left unaddressed by the Aeronautics Act. Still others result mostly from practical factors involved with implementation of the law.

#### **Existing Land Uses**

Perhaps foremost among the statutory limitations on ALUCs is that they have no authority over existing land uses regardless of whether such uses are incompatible with airport activities (PUC Sections 21670(a)(2) and 21674(a)). ALUCs, for example, cannot acquire

property or otherwise force changes in the way a property is developed or used.

### **Airport Operations**

A second explicit limitation on ALUC authority is set forth in PUC Section 21674(e):

“The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.”

Several sections of the law (most notably, the declaration of purpose, PUC Section 21670(a)) refer to the commissions’ authority to address noise and safety problems. This suggests that the law does not intend for ALUCs to address other types of airport land use compatibility issues such as air quality or ground access traffic.

To again emphasize the point, though, it is not within the purview of an ALUC to add to or subtract from the *proposed* facilities shown in a locally adopted airport master plan or layout plan. ALUCs have no authority to adopt, let alone implement, a master plan for an airport—only the owner/operator of the airport can do that.

## **ALUC Review of Local Actions**

### **Actions for which ALUC Review is Mandatory - Airport Plans**

ALUC review of three categories of airport plans is mandatory in accordance with state law. This review requirement is not affected by any previous action by the local agency regarding its general plan or specific plan.

### **General Plans and Specific Plans**

#### **What factors should ALUCs examine when reviewing county and city general plans for consistency with the airport land use plan?**

ALUCs should carefully review not only the general plan itself, but also any associated ordinances and regulations that set forth implementation measures in greater detail. ALUCs should recognize that, once they concur that a county or city general plan is consistent with the airport land use plan, subsequent individual development proposals that are consistent with the general plan are not subject to mandatory ALUC review.

### **Development Projects**

#### **What types of airport development projects must be submitted to the ALUC for review?**

Before a public agency, which owns an airport adopts or modifies a master plan for the airport, the plan must be submitted to the ALUC for

review. Also required to be submitted are construction plans for new airports and expansion plans for existing airports to the extent that the expansion involves a new runway, runway extension or realignment, or acquisition of property for these purposes. Proposals for nonaviation development of airport property are another type of airport development subject to ALUC review. Preferably, the characteristics of such development should be indicated in the airport master plan and reviewed as part of the master plan review. In all of these instances, if the ALUC finds the proposed plan or project inconsistent with its airport land use plan, the airport proprietor can adopt the plan or approve the project only by taking the steps necessary to overrule the ALUC. PUC Sections 21676(c), 21661.5, 21664.5

### **Nonaviation Development of Airport Property**

State law does not specify whether ALUCs have authority to review projects involving nonaviation development on airport property. While the statutes give ALUCs the responsibility of reviewing airport master plans and certain other airport development plans for consistency with the commission's plan, ALUCs are also explicitly precluded from having authority over operation of any airport. A suggested perspective on this issue—one asserted by at least some ALUCs—is that they have the authority to review this type of development proposal in that it does not involve the “operation” of the airport. For public relations purposes if nothing else, airports probably should concede this point—it would be difficult to argue that certain nonaviation development should be allowed to occur on airport property when the same development in the same location would be judged incompatible if the property were privately owned.

The need for ALUC review of these projects should be treated much the same as with respect to individual development projects in the airport environs. That is, just as the focus for most off-airport development review is on general plans and specific plans, reviews of on-airport projects should primarily take place at the time the airport master plan is reviewed. Only when important details regarding a proposed development have changes or were not available at the time of the initial review would subsequent review be necessary.

### **What are ALUC responsibilities with respect to review of airport development?**

ALUCs are required to review plans for airport development—especially airport master plans—before the plans are adopted by the airport proprietor. The primary focus of such reviews is on proposed airport features that can have off-airport land use compatibility

implications. Any proposed nonaviation development on airport property should be reviewed against the same criteria that would apply if the site were off airport. If an ALUC finds the airport plan to be inconsistent with its own plan, the ALUC has the option of revising its plan. If the ALUC chooses not to modify its plan and the airport plan thus remains inconsistent, the airport proprietor can adopt the airport plan only by taking the steps necessary to overrule the ALUC.

## **ALUC Review of Airport Master Plans**

- **Airport Master Plans**—PUC Section 21676(c) mandates that “each public agency owning any airport within the boundaries of an airport land use commission plan shall, prior to modification of its airport master plan, refer such proposed change to the airport land use commission.” The commission must then determine whether the proposed master plan is consistent or inconsistent with the adopted airport land use plan for that airport.

### **How does an airport land use plan relate to the master plan for the same airport?**

If a long-range master plan has been adopted by the airport proprietor, the airport land use plan must “be based on” that plan. This requirement means that the airport land use plan must be consistent with the expectations of the airport proprietor with respect to the future development and use of the airport. The airport land use plan should explicitly indicate the version of the master plan upon which it is based. PUC Section 21675(a)

**Noise Impacts**—Noise-related impacts fall into two general groups distinguishable on a geographic basis:

- The most intensive and disruptive *noise* impacts are ones occurring within the cumulative noise level contours—measured in California in terms of Community Noise Equivalent Level (CNEL)—typically prepared for airports.
- Noise exposure in areas beyond the outermost contours can also be annoying and regarded as locally significant. These are generally described under the heading of *overflight* impacts.

**Safety Impacts**—Two types of aviation-related safety concerns affect land uses near airports:

- Concerns directed toward minimizing the severity of an aircraft accident by limiting the types of land uses near an airport. (Most airport land use plans simply list this concern under the heading of *safety*.)
- Concerns regarding land uses that can create hazards to flight.

- *Airspace protection* primarily involves limitations on the height of objects on the ground near airports. Other concerns include activities that can cause electronic or visual impairments to navigation or attract large numbers of birds.

(California Airport Land Use Planning Handbook, State of California, Department of Transportation, Division of Aeronautics, January 2002)